



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE
BOARD OF NURSING

IN THE MATTER OF THE
LICENSE OF

CONCEPCION PONCE-DIAZ, R.N.
License # 26NR07545200

TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

Administrative Action

**FINAL ORDER
OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a registered nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. On or about August 1, 2011, an inquiry was sent to respondent on behalf of the Board, inquiring, inter alia, whether she had taken continuing education in the last three years, and requiring that she provide documentation of continuing education taken to satisfy the requirements of the June 1, 2008 - May 31, 2010 renewal cycle.
3. Respondent provided documentation of having completed thirty (30) credit hours of continuing education on March 25, 2008. Although this satisfies the continuing education requirement for the June 1, 2006 – May 31, 2008 renewal cycle, this does not

satisfy the continuing education requirement for the June 1, 2008 - May 31, 2010 renewal cycle.

4. On respondent's renewal application filed on April 4, 2010, respondent indicated that she would have completed her continuing education obligation for 2008-2010 by May 31, 2010.

CONCLUSIONS OF LAW

Respondent's failure to demonstrate timely completion of the continuing education obligation for the June 1, 2008 - May 31, 2010 renewal cycle constitutes a violation of N.J.A.C. 13:37-5.3 and subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(h). Respondent's indication that she completed the 2008 - 2010 continuing education obligation, and her failure to demonstrate, to the satisfaction of the Board, that she did timely complete the continuing education obligation, constitutes the use or employment of misrepresentation within the intendment of N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on March 20, 2012. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry, unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefore.

Respondent timely responded to the Provisional Order of Discipline by providing documentation of 60.5 hours of continuing education, with all credits completed after the

June 1, 2008 – May 31, 2010 renewal period. Respondent may apply thirty of those credits to satisfy the deficiency in continuing education credits for the June 1, 2008 – May 31, 2010 renewal period. Respondent may apply the remaining thirty credits to satisfy the continuing education obligation for the June 1, 2010 – May 31, 2012 renewal period.

Respondent maintains that when she renewed her license via an online application on April 4, 2010 and answered “yes” to the question that asks “Will you have completed the required continuing education credits by May 31, 2010?” it was her intention to complete the thirty hours of continuing education within the time frame of April 4, 2010 – May 31, 2010. Respondent, however, failed to take action on her alleged intention. She did not complete the required continuing education credits by May 31, 2010 when she said that she would.

The Board reviewed Respondent’s submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as Respondent did not dispute the findings of fact or conclusions of law. Inasmuch as Respondent subsequently satisfied the deficiency in continuing education credits for the June 1, 2008 – May 31, 2010 renewal period, the Board determined that suspension was no longer warranted. However, the Board determined that Respondent’s failure to complete the required continuing education within the appropriate time frame warrants imposition of a two hundred and fifty dollar (\$250) civil penalty. Further, Respondent’s answer on the renewal application that she would complete the required continuing education by May 31, 2010 and subsequent failure to

demonstrate, to the satisfaction of the Board, that she did complete the required continuing education credits for the June 1, 2008 – May 31, 2010 renewal period, warrants imposition of a reprimand for the use or employment of dishonesty, deception, or misrepresentation.

ACCORDINGLY, IT IS on this 27th day of June, 2012,

ORDERED that:

1. A reprimand is hereby imposed for Respondent's provision of inaccurate information on her renewal application in 2010.
2. A two hundred and fifty dollar (\$250) civil penalty is hereby imposed upon Respondent for failure to comply with N.J.A.C. 13:37-5.3.

NEW JERSEY STATE BOARD OF NURSING

By:

Patricia Ann Murphy, PhD, APN

Patricia Ann Murphy, PhD, APN
Board President